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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	E-Filing
	)	
Plaintiff,	)	Case No: C05-1195 EMC
	)	
	)	HON. EDWARD M. CHEN
v.	)	
	)	
MILEPOST VENTURES, L.P.	)	Date: Feb. 15, 2006
	)	Time: 10:30 AM
Defendant.	)	Ctrm: C, 15 <sup>th</sup> Floor
	)	450 Golden Gate Ave., SF, CA

## ORDER APPROVING THE FORM AND MANNER OF NOTICE TO CLAIMANTS AND ESTABLISHING A CLAIMS BAR DATE

Upon full consideration of the Motion of the U.S. Small Business Administration as Receiver for Milepost Ventures, L.P. for an Order Approving the Form and Manner of Notice to Claimants and Establishing a Claims Bar Date, filed by the U.S. Small Business Administration, Receiver (“Receiver”) for Milepost Ventures, L.P. ("Milepost"), and this Court being duly advised as to the merits,

**IT IS HEREBY ORDERED THAT:**

C05-1195 EMC - ORDER APPROVING THE FORM AND MANNER OF NOTICE TO CLAIMANTS AND ESTABLISHING A CLAIMS BAR DATE

1           1.       The Receiver's Motion for entry of an Order Approving the Form and Manner of  
2 Notice to Claimants and Establishing a Claims Bar Date is GRANTED;

3           2.       Following the entry of this Order, the Receiver is ORDERED to send notice,  
4 substantially in the form set forth as Exhibit "A" hereto, via first-class mail, postage prepaid, to  
5 those persons or entities, other than the U.S. Small Business Administration and parties  
6 contracted or retained by the U.S. Small Business Administration as Receiver, which the  
7 Receiver has reason to believe are creditors, agents, former directors or officers, employees,  
8 partners, participant investors or lenders with Milepost, portfolio concerns or limited partners of  
9 Milepost, and to any other persons or entities who have, during the term of the receivership,  
10 asserted a claim (of whatever kind or merit) against Milepost, the receivership estate, or assets or  
11 funds in the possession of the Receiver;  
12

13           3.       The Receiver is further ORDERED to publish notice, substantially in the form set  
14 forth in Exhibit "A" hereto, once each week for two weeks in *The Recorder* and in *The San*  
15 *Francisco Daily Journal*, each of which is a newspaper of general circulation;  
16

17           4.       This Court further ORDERS that it finds that notice provided in the form and  
18 manner described in Paragraphs 2 and 3 of this Order is reasonable notice, under the  
19 circumstances, to persons or entities who may have claims against Milepost, the receivership  
20 estate, or assets or funds in the possession of the Receiver;  
21

22           5.       All persons or entities having claims against Milepost, or the receivership estate,  
23 or assets or funds in the possession of the Receiver, other than the U.S. Small Business  
24 Administration and parties contracted or retained by the U.S. Small Business Administration as  
25 Receiver, are ORDERED to file such claims in writing and in the form prescribed in paragraph 6  
26 of this Order, with the Receiver, c/o Richard Moser, Member, Phoenix Management Partners,  
27

1 LLC, Principal Agent for SBA, Receiver for Milepost Ventures, L.P., 666 11th Street, N.W.,  
2 Suite 200, Washington, D.C. 20001, within thirty (30) days of the last day of notice by  
3 publication, which date will be stated in the mailed and published notices;

4  
5 6. In setting forth a claim against Milepost, the receivership estate or assets or funds  
6 in the possession of the Receiver, all persons and entities are ORDERED to state in writing: (1)  
7 the full name and address and telephone number of the claimant; (2) the amount of the claim; (3)  
8 the specific grounds for each claim; and (4) the date on which the obligation was allegedly  
9 incurred by Milepost; and (5) to provide at the time of filing such written claims any and all  
10 documents or other materials which the claimant believes supports the claim or might assist the  
11 Receiver in evaluating the claim;

12  
13 7. In the event that the Receiver recommends denial of any claim, it is ORDERED  
14 that the Receiver is authorized and directed to move for summary disposition of said claim(s)  
15 and to furnish a copy of the moving papers to the claimant(s); in such case the claimant may  
16 respond within 30 days, serving a copy of its response on the Receiver, and the Court will  
17 resolve said claim(s) expeditiously through a summary procedure that the Court will determine at  
18 that time; and

19  
20 8. To give effect to the "claims bar date" established in Paragraph 5 of this Order, by  
21 which date claims must be filed or shall forever be barred, it is further ORDERED that any  
22 persons or entities, other than the U.S. Small Business Administration and parties contracted or  
23 retained by the U.S. Small Business Administration as Receiver, which fail to file a claim against  
24 Milepost, the receivership estate, or assets or funds in the possession of the Receiver, in the form  
25 and by the time and date required by this Order, shall be forever barred and permanently  
26 enjoined from asserting, pursuing or prosecuting any such claims, of any kind or nature, whether  
27

From:

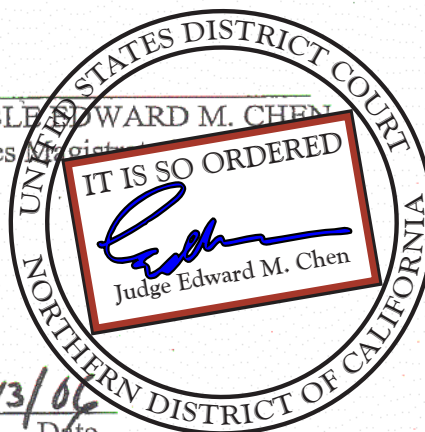
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1 now known or unknown, against Milepost, its Receiver, their successors or assigns, or against  
 2 assets or funds in the possession of the Receiver.

3  
 4 SO ORDERED: This 14 day of Feb. 2006, in San Francisco, California.

5  
 6  
 7 HONORABLE EDWARD M. CHEN  
 8 United States District Judge



9 APPROVED AS TO FORM:

10  
 11  
 12 Christine Cordaro  
 13 Christine Cordaro  
 14 Milepost Ventures Management, Inc.  
 15 General Partner to Milepost Ventures, L.P.

2/13/06  
 Date

16 Copies To:

17 Edwin L. Joe  
 18 Special Assistant United States Attorney  
 19 455 Market Street, Sixth Floor  
 20 San Francisco, CA 094105  
 Telephone: (415) 744-8494  
 Facsimile: (415) 744-6812

21 Arlene M. Embrey  
 22 Trial Attorney  
 23 U.S. Small Business Administration  
 24 Receiver for Milepost Ventures, L.P.  
 25 409 Third Street, S.W., 7<sup>th</sup> Floor  
 Washington, DC 20416  
 Telephone: (202) 205-6976  
 Facsimile: (202) 481-0324

26 Richard Moser, Member, Phoenix Management Partners, LLC  
 27 Principal Agent for the Receiver  
 28 SBA, Receiver for Milepost Ventures, L.P.

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 CLAIMANTS AND ESTABLISHING A CLAIMS BAR DATE

666 11th Street, N.W., Suite 200  
Washington, D.C. 20001-4542  
Telephone: (202) 272-3617  
Facsimile: ( 202) 504-2247

**NOTICE TO ALL CREDITORS OR CLAIMANTS OF  
MILEPOST VENTURES, L.P.**

By Order of the U.S. District Court for the Northern District of California, San Francisco Division, dated \_\_\_\_\_, persons or entities who wish to assert a claim against Milepost Ventures, L.P. ("Milepost") must do so by filing a written claim with the Receiver on or before [date thirty (30) days after last date of notice by publication]. All previously submitted claims against Milepost or its Receiver must be resubmitted in accordance with this Notice.

Milepost, a California limited partnership, is a Small Business Investment Company ("SBIC") licensed by the U.S. Small Business Administration ("SBA"). Milepost has been in receivership since June 3, 2005 by Order of the Court identified above, entered in Case No. C05-1195 EMC, U.S.A. v. Milepost Ventures, L.P.,

Any person or entity asserting a claim against Milepost or assets or funds in the hands of the Receiver, must do so in writing, and forward such claim to:

SBA, Receiver for Milepost Ventures, L.P.  
Richard Moser, Member  
Phoenix Management Partners, LLC, Principal Agent  
666 11th Street, N.W., Suite 200  
Washington, D.C. 20001-4542

Claims must be received no later than 5:00 p.m. E.S.T., [date thirty (30) days after last date of notice by publication].

Your claim must state: (1) the full name, address and telephone number of the claimant; (2) the amount of the claim; (3) the specific grounds for each claim; (4) the date on which the obligation was allegedly incurred by Milepost or the Receiver; and (5) must attach all other documents or materials which support the claim, or which the Receiver might require in evaluating the claim. If you fail to provide any of the specified information, your claim will be deemed incomplete and untimely.

Failure to present a complete and timely claim to the Receiver on or before (Date) will result in your claim being forever barred, and you will not thereafter be able to make a claim against Milepost, or any other assets or funds in the possession of the Receiver.

U.S. SMALL BUSINESS ADMINISTRATION  
As Receiver for Milepost Ventures, L.P.

**EXHIBIT A**

C05-1195 EMC - ORDER APPROVING THE FORM AND MANNER OF NOTICE TO  
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